

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case No. 24-cr-20048

Hon. MARK A. GOLDSMITH

REGINALD MORRIS, D-1,

Defendant.

**MOTION AND COMBINED BRIEF FOR PERMISSION TO FILE MOTION TO
SUPPRESS EVIDENCE UNDER SEAL**

The Defendant, Reginald Morris, by his attorney, Mark H. Magidson, states as follows:

1. Defendant along with multiple co-defendants is charged with a 12-count indictment alleging in Count I, Conspiracy to Distribute and Possess with Intent to Distribute Controlled Substances, contrary to 21 U.S.C. §846 and 841(a)(1), Count II, Attempted Possession of Methamphetamine with Intent to Distribute, contrary to 21 U.S.C. §846 & 841(a)(1), Count III, Possession of Fentanyl with Intent to Distribute, contrary to 21 U.S.C. §846 and 841(a)(1), Count IV, Possession of a Firearm in Furtherance of Drug-Trafficking Crime, contrary to 18 U.S.C. § 924(c)(1)(A); Count VIII,

Possession of a Machine Gun, contrary to 18 U.S.C. §922(o), and Count X,
Possession of a Firearm by a Convicted Felon, contrary to 922(g)(1).

2. The reason that Defendant seeks to file his Motion to Suppress Evidence under seal is because that motion has as an exhibit the lengthy wiretap Affidavit that the Government has requested to keep confidential and non-public.
3. In addition, the Motion makes numerous references to the contents of the Affidavit as well.
4. Defendant does not want to disclose material that the Government wishes sealed.

5. **LEGAL ARGUMENT**

6. LR 5.3 Addresses material and pleadings filed under seal in a civil case. LR 5.3(b)(1) & (2) provide:

(1) Except as allowed by statute or rule, documents (including settlement agreements) or other items may not be sealed except by court order. A party or other person may not file or tender to the clerk an item proposed for sealing under this sub rule unless the Court enters an order permitting sealing.

(2) A party or other person seeking to file a document under seal in a civil case under this section must file and serve a motion to authorize sealing that is narrowly tailored to seek sealing in accord with applicable law.

7. Further by analogy, under Federal Rule of Civil Procedure 26(c)(1)(G), "[t]he court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including . . . requiring that a trade secret or other

confidential research, development, or commercial information not be revealed or be revealed only in a specified way...." Good cause exists when the party moving for the protective order "articulate[s] specific facts showing 'clearly defined and serious injury' resulting from the discovery sought...." *Nix v. Sword*, 11 Fed. App'x 498, 500 (6th Cir.

2001) (citing *Avirgan v. Hull*, 118 F.R.D. 252, 254 (D.D.C. 1987))

8. Trial courts have always been afforded the power to seal their records when interests of privacy outweigh the public's right to know. *In re Knoxville News-Sentinel Co.*, 723 F.2d 470, 473-474 (6th Cir. 1983).

WHEREFORE Defendant respectfully requests that this Motion for Permission to allow him to file his Motion to Suppress Evidence obtained from a T-III Affidavit under seal be granted.

Respectfully submitted,
By: /s/ Mark H. Magidson
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Dated: October 31, 2024

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

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Case No. 24-cr-20048

Hon. MARK A. GOLDSMITH

REGINALD MORRIS, D-1,

Defendant.

**ORDER GRANTING DEFENDANT PERMISSION TO FILE MOTION TO SUPPRESS
EVIDENCE UNDER SEAL**

Defendant having filed an Ex Parte Motion for permission to file his Motion to Suppress Evidence under the seal and the court having considered the same;

IT IS HEREBY ORDERED that the Defendant's Ex Parte Motion to file for permission to file Defendant's Motion to Suppress Evidence under seal is hereby GRANTED.

s/Mark A. Goldsmith
Hon. Mark A. Goldsmith
UNITED STATES DISTRICT JUDGE

Dated: November 14, 2024